

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ADELFA DIAZ and FLORIBERTO SAUREZ NAXI,  
individually and on behalf of others similarly situated,

Plaintiffs,

- against -

RENE FRENCH CLEANERS INC. (d/b/a RENE  
FRENCH CLEANERS), RENE FRENCH  
CLEANERS II INC. (d/b/a RENE FRENCH  
CLEANERS), DANIEL LEE, BYENG WOON LEE,  
and SUN YOUNG YU,

Defendants.

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ROSLYNN R. MAUSKOPF, United States District Judge.

Plaintiffs Adelfa Diaz and Floriberto Saurez Naxi bring this action against two corporations – Rene French Cleaners, Inc. (d/b/a Rene French Cleaners) and Rene French Cleaners II Inc. (d/b/a Rene French Cleaners) (collectively, the “Corporate Defendants”) – and three individuals – Daniel Lee, Byeng Woon Lee, and Sun Young Yu (collectively, the “Individual Defendants”) – alleging violations of the Fair Labor Standards Act of 1938, New York Labor Law, and the “spread of hours” and overtime wage orders of the New York Commissioner of Labor. After none of the five defendants answered or otherwise responded to plaintiffs’ pleadings, and after requesting and obtaining a Certificate of Default, plaintiffs moved for a default judgment pursuant to Rule 55(b) of the Federal Rules of Civil Procedure. (*See* Motion for Default Judgment (Doc. No. 24).) By order dated February 22, 2022, the Court referred that motion to Magistrate Judge Ramon E. Reyes for a report and recommendation.

In a Report and Recommendation dated August 29, 2022 (the “R&R”), Judge Reyes recommended that liability be imposed on the Corporate Defendants. However, he recommended that liability not be imposed on the Individual Defendants unless plaintiffs

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**  
20-CV-3848 (RRM) (RER)

properly served the motion for default judgment and a copy of the R&R upon those three defendants at their last known addresses and filed proof of compliance with Local Rule 55.2(c). With respect to damages, Judge Reyes recommended that plaintiff Diaz be awarded a total of \$206,569.07 in damages and \$19.86 per diem in prejudgment interest from the date of the R&R until the date judgment is entered, and that plaintiff Suarez be awarded \$49,200.04 and \$4.29 per diem in prejudgment interest from the date of the R&R until the date judgment is entered. In addition, he recommended that both plaintiffs be awarded post-judgment interest in accordance with 28 U.S.C. § 1961 and that the total amount of their judgments automatically increase by fifteen percent if any amounts remain unpaid upon the expiration of ninety days following issuance of judgment, or ninety days after expiration of the time to appeal and no appeal therefrom is then pending, whichever is later. Finally, the magistrate judge recommended awarding plaintiffs \$4,087.50 in attorneys' fees and \$400 in costs.

The R&R directed plaintiff to serve copies of the R&R on defendants and to file proof of service with the Clerk of Court. It also advised the parties that any objection to the R&R had to be filed with the Clerk of Court within 14 days of receipt thereof. On August 31, 2022, plaintiffs mailed copies of the R&R to the Corporate Defendants and a copy of the Motion for Default Judgment; the Affidavit in Support of that Motion, including all exhibits thereto; and the R&R to the Individual Defendants at their last known addresses. To date, no objections to the R&R have been filed by any party.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, the Court has reviewed the R&R for clear error and, finding none, adopts the R&R in its entirety. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007). The Clerk of Court is respectfully ordered to enter judgment in favor of plaintiffs and against all five defendants, jointly and severally, in

accordance with this Order; to mail copies of the judgment and this Order to defendants; to note the mailing on the docket sheet; and to close this case.

SO ORDERED.

Dated: Brooklyn, New York  
September 30, 2022

*Roslynn R. Mauskopf*

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ROSLYNN R. MAUSKOPF  
United States District Judge